

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL
PRESCRIPTION OPIATE
LITIGATION**

MDL No. 2804

**Master Docket No.
1:17-MD-02804-DAP**

This document relates to:

Hon. Judge Dan A. Polster

Rees v. McKesson Corporation, et al.
MDL Case #1:18-OP-45252

Wood v. Purdue Pharma L.P., et al
MDL Case #1:18-OP-45264

Salmons v. Purdue Pharma L.P., et al
MDL Case #1:18-OP-45268

Ambrosio v. Purdue Pharma L.P., et al
MDL Case #1:18-OP-45375

Flanagan v. Purdue Pharma L.P., et al
MDL Case #1:18-OP-45405

Whitley, et al. v. Purdue Pharma L.P., et al
MDL Case #1:18-OP-45598

Roach v. McKesson Corporation, et al.
MDL Case #1:18-OP-45662

Hunt v. Purdue Pharma L.P., et al
MDL Case No. #1:18-OP-45681

Moore v. Purdue Pharma L.P., et al
MDL Case No. #1:18-OP-46305

Doyle v. Actavis LLC, et al.
MDL Case No. #1:18-OP-46327

Hanlon v. Purdue Pharma LP, et al
MDL Case No. #1:19-OP-45052

**MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION OF THE
COURT’S ORDER (DOC. 1662) HOLDING A RULE 12(B)(6) DETERMINATION ON
PLAINTIFFS’ CLASS ALLEGATIONS**

Plaintiffs, though undersigned counsel, respectfully move the Court for leave to file a motion for reconsideration of the Court’s Order (Doc. 1662) holding a Rule 12(B)(6) Determination on Plaintiffs’ Class Allegation.

On June 6, 2019, the Court issued an Order *sua sponte* inviting Defendants to move to strike Plaintiffs’ class-action allegations on behalf of NAS Babies.¹ (*See* ECF# 1662, Case No. 1:17-md-02804-DAP (the “June 6 Order”).) The parties are specifically directed to “address the propriety of class certification.” (*Id.*) (Since the Court issued its order, the 6th Circuit reversed a trial court’s striking class action allegations prior to discovery. *Doe v. City of Memphis*, No. 18-5565, 2019 WL 2637637, at *11 (6th Cir. June 27, 2019)).

For the reasons set forth in the attached memorandum, Plaintiffs seek leave to ask the Court to:

- (1) reconsider the June 6 Order as violative of class-action procedure and Plaintiffs’ due-process rights; and
- (2) grant Plaintiffs seeking class-wide relief for NAS Babies leave to move to certify the putative classes identified in their pleadings, together with an abbreviated period for discovery and any appropriate amendment of their pleadings—all in accordance with Fed. R. Civ. P. 23 and due process.

Wherefore, Plaintiffs pray that their motion for leave is granted.

¹ The June 6 Order applies to the eleven separate actions, then-consolidated in this MDL, asserting class-action allegations on behalf of NAS Babies. After the Court issued the June 6, Order, other plaintiffs have filed an additional 30 class actions on behalf of NAS Babies. There are now 41 class actions filed on behalf of NAS Babies covering 34 states.

Respectfully submitted,

/s/ Scott R. Bickford

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed via the Court's electronic filing system on July 1, 2019. Notice of this filing will be sent by e-mail through the Court's electronic case-filing system to all counsel of record.

/s/Scott R. Bickford
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